

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	04-00040-02-CR-W-NKL
TIMOTHY KATEUSZ,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on July 22, 2005. Defendant Timothy Kateusz, appeared in person and with appointed counsel John Osgood. The United States of America appeared by Assistant United States Attorney Catherine Connelly.

I. BACKGROUND

On February 25, 2004, an indictment was returned charging defendant with conspiracy to manufacture methamphetamine, in violation of 21 U.S.C. § 846, attempting to manufacture methamphetamine, in violation of 21 U.S.C. § 846, and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B). On September 27, 2004, defendant was arrested. On June 8, 2005, a superseding indictment was returned charging defendant with the same counts but extending the length of the conspiracy. The three co-defendants have pled guilty.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Connelley announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Mike Hosack, Independence Police Department.

Mr. Osgood announced that he and co-counsel John Osgood will be the trial counsel for defendant Timothy Kateusz.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Ms. Connelley announced that the government intends to call 8 witnesses without stipulations or 5 witnesses with stipulations during the trial.

Mr. Osgood announced that defendant Timothy Kateusz intends to call 2 witnesses during the trial.

The defendant may testify.

V. TRIAL EXHIBITS

Ms. Connelley announced that the government will offer approximately 29 exhibits in evidence during the trial.

Mr. Osgood announced that defendant Timothy Kateusz will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Osgood announced that defendant Timothy Kateusz will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Osgood stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody, chemist's reports, and defendant's statement at the time of arrest.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed October 19, 2004, counsel for each party file and serve a **list of exhibits** he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **July 22, 2005**;

That counsel for each party file and serve requested jury **voir dire** examination questions by or before noon, Wednesday, **July 27, 2005**;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested **jury instructions** by or before noon, Wednesday, **July 27, 2005**. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated.

There may be a defense instruction on the voluntariness of defendant's statement upon arrest.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on August 1, 2005.

/s/Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
July 22, 2005

cc: The Honorable Nanette Laughrey
Mr. David DeTar Newbert
Mr. John James Osgood
Mr. John R. Osgood
Mr. Jeff Burkholder